IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

Bail Appl..No. 4539 of 2007(K)

CRMP.1552/2007 of DISTRICT COURT, THODUPUZHA
CRIME NO.79/2007 OF KANJIKUZHI POLICE STATION

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PETITIONERS : ACCUSED NOS.1,3 & 4:

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1. KURIAN @ THANKACHAN, S/O.KURIAN, KALLUVETTAMKUZHIYIL HOUSE, KANJIKUZHI VILLAGE, THODUPUZHA TALUK.

2. DECON MANOJ VARGHESE, S/O.VARGHESE, ERACHERIL HOUSE, THALLAKANAM KARA, KANJIKUZHI VILLAGE.

3. SOJAN VARGHESE, S/O.VARGHESE, ERACHERIL HOUSE, THALLAKANAM KARA, KANJIKUZHI VILLAGE. THODUPUZHA TALUK.

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4539 of 2007

Dated this the 27th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations, inter alia, under Section 308 and 324 read with 149 I.P.C. They are accused 1, 3 & 4. They are allegedly involved in an incident relating to a fight between two groups in respect of rights over a church. Crime has been registered. Investigation is in progress. I have already adverted to facts in some detail in the order granting anticipatory bail to the co-accused passed in B.A.No.4125 of 2007 dated 09.07.07.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that, for the same reasons for which the co-accused have been granted anticipatory bail, the petitioners herein can also be granted anticipatory bail subject to appropriate conditions. The learned Public Prosecutor however points out that so far as accused 1 and 3 are concerned, there are 4 other identical crimes also. Appropriate additional conditions can be imposed in respect of those petitioners.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 03.08.2007. They shall be enlarged on regular bail on their executing bonds for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 04.08.2007 & 06.08.2007. During this period, the Investigating Officer shall bhe entitled to interrogate the petitioners in custody and effect recovery, if any. Thereafter they shall appear before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 03.08.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 03.08.07;

v) There shall be a further condition that accused 1 and 3/petitioners 1 & 2 shall not enter the jurisdiction of Kanjikuzhi Police Station for a period of two months from this date except for the purpose of complying with condition No.(ii).

(R.BASANT, JUDGE)

rtr/-